

Fax

JAN 11 2006

*Lilly*

Eli Lilly and Company  
Patent Agreement Group  
Lilly Corporate Center  
Drop Code 1117  
Indianapolis, Indiana 46285  
U.S.A.

From: Charles E. CohenPhone: 317-433-4983Fax: (317) 276-0894P  
317-276-3861To: USPTOPages: 8 (including this cover sheet)Fax: 571-273-8300

Phone:

Date: January 11, 2006Re: 10/524,650

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Answers That Matter.

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## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to 571-273-8300 at the Patent and Trademark Office on the date shown below.

Valerie A. Wilson

Type or print name of person signing certification

Signature

Date

1-11-2006

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: Magnus Wilhelm Walter

Serial No.: 10/524,650

US Nat'l Entry

Date (if applicable): February 17, 2005

For:

2- (PHENOXYMETHYL)- AND 2-(PHENYLTHIOMETHYL)-  
MORPHOLINE DERIVATIVES FOR USE AS SELECTIVE  
NOREPINEPHRINE REUPTAKE INHIBITORS

Docket No.: X-15172

Group Art Unit: 1614

Examiner:

Confirmation No.:  
8466**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request correction of the filing receipt for this application. A copy of the receipt, with the corrections noted, is enclosed.

The title was incorrect on the filing receipt. The title should read

**2- (PHENOXYMETHYL)- AND 2-(PHENYLTHIOMETHYL)- MORPHOLINE  
DERIVATIVES FOR USE AS SELECTIVE NOREPINEPHRINE REUPTAKE  
INHIBITORS.**

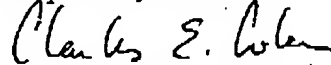
This title was established by the International Searching Authority in connection with the International Search Report dated 23 January 2004, a photocopy of which is enclosed. Also enclosed is a photocopy of the first page of the A3 version of PCT International Publication WO 2004/017977, corresponding to the present U.S. application.

Serial No.: 10/524,650  
Docket No.: X-15172

-2-

Applicants therefore respectfully request that the current filing receipt be corrected.

Respectfully submitted,



Charles E. Cohen, Ph.D.  
Attorney for Applicants  
Registration No. 34,565  
Phone: 317-433-4983

Eli Lilly and Company  
Patent Division  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288

11 January 2006

Enclosure: Copy of Filing Receipt with the changes noted thereon.  
Copy of International Search Report



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO	FILING OR 371 (c) DATE	ART UNIT	FL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/524,650	02/17/2005	1614	900	X-15172		13	2

CONFIRMATION NO. 8466

25885  
ELI LILLY AND COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS, IN 46206-6288

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OCT 21 2005

## FILING RECEIPT

10/524,650 02/17/2005 1614 900 X-15172 13 2  
\*OC000000017168115\*

ELI LILLY &amp; COMPANY, PATENT DEPT.

Date Mailed: 10/14/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Magnus Wilhelm Walter, Basingstoke, UNITED KINGDOM; ✓  
Barry Peter Clark, Basingstoke, UNITED KINGDOM; ✓  
Peter Thaddeus Gallagher, Basingstokes, UNITED KINGDOM; ✓  
Helen Louise Haughton, Basingstoke, UNITED KINGDOM; ✓  
Helene Catherine Eugenie Rudyk, Basingstoke, UNITED KINGDOM; ✓

Power of Attorney: The patent practitioners associated with Customer Number 25885.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/23269 08/18/2003 ✓  
which claims benefit of 60/415,328 10/01/2002 ✓

## Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

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## Title

~~MORPHOLINE DERIVATIVES~~ 2-(PHENOXYMETHYL)-AND 2-(PHENYLTHIOMETHYL)-  
MORPHOLINE DERIVATIVES FOR USE AS SELECTIVE NOREPINEPHRINE REUPTAKE

## Preliminary Class

INHIBITORS

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>x-15172</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, Item 5 below.	
International application No. <b>PCT/US 03/23269</b>	International filing date (day/month/year) <b>18/08/2003</b>	(Earliest) Priority Date (day/month/year) <b>23/08/2002</b>
Applicant <b>ELI LILLY AND COMPANY</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the language, the International search was carried out on the basis of the International application in the language in which it was filed, unless otherwise indicated under this item.

☐ the International search was carried out on the basis of a translation of the International application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the International search was carried out on the basis of the sequence listing:

☐ contained in the International application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

## 4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

**2- (PHENOXYMETHYL) - AND 2- (PHENYLTHIOMETHYL) - MORPHOLINE DERIVATIVES FOR USE AS SELECTIVE NOREPINEPHRINE REUPTAKE INHIBITORS**

## 5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

Form PCT/ISA/210 (first sheet) (July 1998)

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APR 14 2004

ELI LILLY AND COMPANY  
Patent Division

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property  
Organization  
International Bureau(43) International Publication Date  
4 March 2004 (04.03.2004)

PCT

(10) International Publication Number  
WO 2004/017977 A3(51) International Patent Classification: A61K 31/5375,  
A61P 25/00, C07D 265/30

(21) International Application Number: PCT/US2003/023269 ✓

(22) International Filing Date: 18 August 2003 (18.08.2003) ✓

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data: 23 August 2002 (23.08.2002) GB  
0219690.5 ✓  
1 October 2002 (01.10.2002) US  
60/415,328(71) Applicant (for all designated States except US): ELI  
LILLY AND COMPANY [US/US]; Lilly Corporate  
Center, Indianapolis, IN 46285 (US).

(72) Inventors; and

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(GB).(74) Agents: WELCH, Lawrence, T. et al.; ELI LILLY AND  
COMPANY, P.O. Box 6288, Indianapolis, IN 46206-6288  
(US).(81) Designated States (national): AE, AG, AI, AM, AT (uti-  
lity model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA,CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (uti-  
lity model), DE, DK (utility model), DK, DM, DZ, EC, EE  
(utility model), EE, ES, FI (utility model), FI, GB, GD, GE,  
GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ,  
LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN,  
MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO,  
RU, SC, SD, SE, SG, SK (utility model), SK, SL, SY, TJ,  
TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA,  
ZM, ZW.(84) Designated States (regional): ARIPO patent (GH, GM,  
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),  
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),  
European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,  
ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO,  
SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM,  
GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

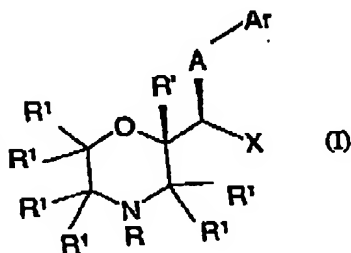
## Declaration under Rule 4.17:

— as to the applicant's entitlement to claim the priority of the  
earlier application (Rule 4.17(iii)) for the following desig-  
nations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY,  
BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC,  
EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS,  
JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA,  
MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG,  
PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM,  
TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW,  
ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ,  
UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD,  
RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ,  
DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL,  
PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI,  
CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)

## Published:

— with international search report  
— before the expiration of the time limit for amending the  
claims and to be republished in the event of receipt of  
amendments

[Continued on next page]

(54) Title: 2- (PHENOXYMETHYL)- AND 2- (PHENYLTHIOMETHYL)-MORPHOLINE DERIVATIVES FOR USE AS SE-  
LECTIVE NOREPINEPHRINE REUPTAKE INHIBITORS(57) Abstract: Compounds of formula (I), wherein: A is S or O; R is H; Ar is an  
optionally substituted phenyl group; X is an optionally substituted phenyl group, a  
C1-C4 alkyl, a C3-C6 cycloalkyl group or a C12(C3-C6 cycloalkyl) group; R' is H  
or C1-C4 alkyl; and each R1 is independently H or C1-C4 alkyl; and pharmaceuti-  
cally acceptable salts thereof are selective inhibitors of norepinephrine re-uptake.